

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

931P0097

HOUSE BILL NO. 1136

Introduced by: Representatives Lust, Boomgarden, Cutler, Dreyer, Engels, Feinstein, Haverly, Heineman, Kirkeby, McLaughlin, Olson (Betty), Peters, Rausch, Vehle, and Weems and Senators Gray, Abdallah, Albers, Knudson, Maher, McCracken, Napoli, Olson (Ed), Schmidt (Dennis), and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the registration of
2 business names.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 37-11-1 be amended to read as follows:

5 37-11-1. ~~It is a Class 2 misdemeanor for any person to engage in or conduct a business for~~
6 ~~profit in this state under any name which does not plainly show the true surname of each person~~
7 ~~interested in such business unless a statement is filed first.~~ Any person engaging in or
8 conducting a business for profit in this state shall file a fictitious name statement unless one of
9 following apply:

10 (1) The name of the business plainly shows the true surname of each person interested
11 in the business; or

12 (2) The name of the business is on file with the secretary of state in a required business
13 filing.

14 Failure to file a required fictitious name statement is a Class 2 misdemeanor. The fictitious



1 ~~name~~ statement shall ~~be verified by each person interested in the business, showing~~ include the
2 name, post office address, and residence address of ~~each person interested in~~ at least one owner
3 of the business and the address where the main office of the business is to be maintained. The
4 fictitious name statement shall be electronically filed with the secretary of state, or filed in paper
5 form with ~~the office of the~~ any register of deeds in ~~each county where the business is~~
6 ~~maintained, and the state.~~ The filing shall be renewed every fifth year thereafter. A fee of ten
7 dollars shall be paid with each new filing and renewal. The fee shall be retained by the filing
8 office receiving the filing.